Administrative Board to continue to act for purposes of winding up

4. The Administrative Board shall continue in being for the purpose of winding up the affairs of the Benefit Fund in accordance with the provisions of this Scheme from the date of revocation to the completion of such winding up.

Books, records etc., to be handed over

5. The property in and right to possession of all the books, records, accounts and other documents of the Administrative Board and all interest of the Administrative Board in the existing accounts shall vest in the Minister by virtue of this Article on the date of closing the Benefit Fund.

Dated this 3rd day of March, 1952.

Osbert Peake,
Minister of National Insurance.

We consent.

Dated this 4th day of March, 1952.

H. R. Mackeson,
Edward Heath,
Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Scheme, but is intended to indicate its general purport.)

This Scheme is made in exercise of powers conferred on the Minister of National Insurance by the Pneumoconiosis and Byssinosis Benefit Act, 1951.

The Scheme revokes the Byssinosis (Benefit) Scheme, 1941, and makes provision for the winding up of the Fund constituted under that Scheme. It comes into operation on the same date as the Pneumoconiosis and Byssinosis Benefit Scheme, 1952, which includes provision for cases previously dealt with under the 1941 Scheme.

The Scheme contains transitional arrangements which preserve certain rights under the 1941 Scheme, including the right to weekly payments for the period before the date from which payments will be made under the 1952 Scheme.

1952 No. 423

The Pneumoconiosis (Benefit) Scheme (Revocation) Scheme, 1952

Made - - - -	*4th March,* 1952
Laid before Parliament	*6th March,* 1952
Coming into Operation	*10th March,* 1952

The Minister of National Insurance, with the consent of the Treasury, in exercise of powers conferred by section 5 of the Pneumoconiosis and Byssinosis

Benefit Act, 1951(a), and of all other powers enabling him in that behalf, hereby makes the following Scheme:—

Citation, commencement and interpretation

1.—(1) This Scheme may be cited as the Pneumoconiosis (Benefit) Scheme (Revocation) Scheme, 1952, and shall come into operation on the 10th March, 1952.

(2) In this Scheme—

"the Minister" means the Minister of National Insurance;

"the Benefit Scheme" means the Pneumoconiosis (Benefit) Scheme, 1943(b);

"the Benefit Fund" means the Benefit Fund constituted under the Benefit Scheme;

"the Administrative Board" means the Administrative Board established under the Benefit Scheme.

Revocation of Benefit Scheme

2.—(1) No benefit shall be paid under the Benefit Scheme in respect of the death of any person dying on or after the date on which this Scheme comes into operation.

(2) No weekly payments shall be made under the Benefit Scheme in cases of total disablement in respect of any period commencing on or after the 13th March, 1952 (hereinafter referred to as "the date of revocation").

(3) The Benefit Scheme is hereby revoked as from the date of revocation: Provided that, subject to the foregoing provisions of this Article—

(*a*) the Benefit Scheme shall continue to apply to cases to which it would have applied if this Scheme had not been made, being cases where the death of the workman took place before the date on which this Scheme comes into operation;

(*b*) a person shall have the same right to weekly payments under the Benefit Scheme in respect of total disablement for any period before the date of revocation as he would have had if that Scheme had not been revoked;

(*c*) nothing in this paragraph shall affect anything duly done or suffered, or any right, privilege, obligation or liability acquired, accrued or incurred under the Benefit Scheme before the date of revocation, or the power conferred on the Minister of Fuel and Power by Article 14 of the Benefit Scheme to prescribe (whether before or after the date of revocation) payments to be made by the National Coal Board as the employers of workmen employed in or about a coal mine, and to recover any sum so payable.

Provision as to liabilities and winding up of Benefit Fund

3.—(1) Subject to the provisions of paragraph (3) of this Article, the affairs of the Benefit Fund shall be wound up by the Administrative Board as soon as practicable after the date of revocation in accordance with such arrangements as the Minister may make for that purpose.

(2) Immediately after the completion of such winding up, the Benefit Fund shall be closed and the books and accounts of the Fund shall be made up as at the date of closing the Fund, and shall be audited by the auditor appointed under the Benefit Scheme.

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 4.
(b) S.R. & O. 1943/886; Rev. XXIV, p. 597; 1943 I, p. 1016.

(3) Any such arrangements by the Minister shall—

(*a*) provide for the payment by the Administrative Board of such expenses incurred by the Administrative Board in connection with the said winding up (including the fees of the auditor) as the Minister may consider necessary ;

(*b*) provide for the discharge of the liabilities of the Benefit Fund up to the date of closing the Fund, in so far as those liabilities have been ascertained ;

(*c*) make due provision for any liabilities of the Benefit Fund outstanding after the date of closing the Fund, including provision for any benefit payable in those cases to which the Benefit Scheme continues to apply by virtue of the provisions of Article 2 of this Scheme, and any expenses arising in connection therewith.

(4) All assets of the Benefit Fund shall become assets of the Industrial Injuries Fund(a), and shall be transferred to the Minister at the date of closing the Fund, or as soon as practicable thereafter, having regard to the provisions of sub-paragraph (*c*) of paragraph (3) of this Article.

Administrative Board to continue to act for certain purposes

4. The Administrative Board shall continue in being for the purpose of winding up the affairs of the Benefit Fund in accordance with the provisions of this Scheme and of discharging their duties under the Benefit Scheme in relation to those cases to which that Scheme continues to apply.

Records, etc., to be handed over

5. The property in and right to possession of all the records and other documents of the Administrative Board shall vest in the Minister by virtue of this Article on the date of closing the Benefit Fund.

Dated this 3rd day of March, 1952.

Osbert Peake,
Minister of National Insurance.

We consent.

Dated this 4th day of March, 1952.

H. R. Mackeson,
Edward Heath,
Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Scheme, but is intended to indicate its general purport.)

This Scheme is made in exercise of powers conferred on the Minister of National Insurance by the Pneumoconiosis and Byssinosis Benefit Act, 1951.

The Scheme revokes the Pneumoconiosis (Benefit) Scheme, 1943, and makes provision for the winding up of the Fund constituted under that Scheme. It comes into operation on the same date as the Pneumoconiosis and Byssinosis Benefit Scheme, 1952, which includes provision for cases previously dealt with under the 1943 Scheme.

The Scheme contains transitional arrangements which preserve certain rights under the 1943 Scheme, including the right to weekly payments for the period before the date from which such payments will be made under the 1952 Scheme, and also the right to benefit in respect of deaths before the date on which that Scheme comes into operation.

(a) *See* section 58 (1) National Insurance (Industrial Injuries) Act, 1946 (9 & 10 Geo. 6. c. 62).